

REMARKS

Reconsideration of the application is respectfully requested.

Claim rejection – 35 U.S.C. §103

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,862,616 (“Tompkins”) in view of U.S. Patent No. 6,832,230 to Zilliacus et al. (“Zilliacus”). In this reply, independent claims 1 and 9 are being amended to further clarify what is being claimed. Support for the amendment can be found at least in paragraphs [0013] and [0014].

Tompkins and Zilliacus, alone or in combination, do not disclose or suggest every element claimed in independent claims 1 and 9 as amended and their respective dependent claims. Conceding that Tompkins does not disclose or suggest, client host downloading additional code as needed, the Examiner cites Zilliacus for that proposition. Zilliacus as understood by applicant discloses downloading an application with a variable lifetime to a mobile terminal. While the cited sections of Zilliacus disclose that lifetime may be determined on a transaction or time basis, Zilliacus unlike Examiner’s allegations does not disclose or suggest that a client host downloads additional code as needed as it is doing work, for example, to perform a function. Zilliacus’ lifetime based on a transaction refers to the number of uses or starts of that application downloaded to the mobile terminal (e.g., see Zilliacus in Col. 2, lines 38-40). Further, the cited sections of Zilliacus as understood by applicant disclose that the same application can be downloaded without charge if the lifetime has not expired (e.g., see Zilliacus

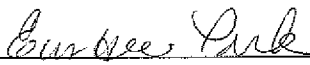
in Col. 4, lines 1-2). Those sections do not disclose or suggest downloading additional code on a need basis, for example, automatically by a client host.

On the other hand, independent claims 1 and 9 as amended recite, "the additional code being code that the client host needs to perform a function as the client host performs work and determines that the client host does not have the needed additional code in the first software to perform the function."

For at least the above reasons, it is believed that claims 1 and 9, and their respective dependent claims at least by virtue of their dependency are unobvious over Tompkins and Zilliacus.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that the Examiner call applicant's attorney at (516) 742-4343.

Respectfully submitted,


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